

Nicholas A. Ritrovato
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FILED
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DISTRICT COURT
DISTRICT OF MASS.

April 16, 2023

UMass Five College Federal Credit Union
Attention Branch Manager and/or General Counsel
Murray D. Lincoln Campus Center, Room 224,
University of Massachusetts Amherst, MA 01003

RE: Nicholas A. Ritrovato, III v. UMass Five College Federal Credit Union Case No. 1-23-CV-10685-DJC

Dear Sir or Madam,

I have filed a case in federal civil court on March 29, 2023, regarding one of your share deposit accounts. The case pertains to bank fraud and identity theft. I am writing to request subpoena production that uncovering the exact fraud which occurred and is occurring here is important in identifying the appropriate relief or settlement amount. I have included my thoughts on that and request that the federal credit union offer settlement.

My initial complaint indicates that \$73,000,000.00 in bank fraud occurred where UMass Five College Federal Credit Union employees aided and abetted bank robbers in committing bank fraud utilizing the UMass Five College Federal Credit Union banking systems. The relief and settlement amount that I would recommend the credit union offer is the fraud amount plus interest compounded annually, \$485,365,200.55

I have attached a copy of that complaint and a copy of my recent subpoena request. Please inform me of how and when the federal credit union would like to settle. I would be pleased to meet with you in your office to finalize the settlement. Otherwise, I will be seeking additional legal action against the UMass Five College Federal Credit Union which will not be limited to civil court.

Thanks

Best regards,



Nicholas Ritrovato

Re: Ritrovato, III v. UMassFive College FCU / Case No. 1:23-CV-10685-DJC

From: Ritrovato, Nicholas A. (nicholas_ritrovato@yahoo.com)

To: johnsonk@litchfieldcavo.com; adukonis@litchfieldcavo.com; nicholas_ritrovato@yahoo.com

Date: Saturday, June 17, 2023 at 07:41 AM EDT

Ms Adukonis and Ms. Johnson,

The subpoena was issued in accordance with the federal rules of civil procedure. Your objection is of no consequence. You are required to produce. Please stop being disruptive immediately. Do you have any plans of filing this objection with the court? Do you have an engagement letter or contract signed by an officer or director or other agent that has the power to bind the UMass Five FCU? Your letter in response to notification of complaint filing and subpoena delivery acknowledges subpoena service in person and via US Mail. You should be held in contempt.

Thank you

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On Friday, June 16, 2023 at 02:35:53 PM EDT, Johnson, Kerri <johnsonk@litchfieldcavo.com> wrote:

Good afternoon.

Please see the attached correspondence in connection with the above matter being sent to you on behalf of Nora Adukonis.
Thank you.

PLEASE NOTE: ANY ATTACHMENTS TO THIS EMAIL ARE BEING SENT BY EMAIL ONLY. PLEASE ADVISE IF YOU WOULD LIKE A HARD COPY MAILED TO YOU.

Kerri M. Johnson

Legal Assistant to:

Angela L. Linson

Tamar L. Hagopian

Nora R. Adukonis

Gayatri R. Deodhar

D 781.309.1516 | O 781.309.1500 | F 781.246-0167

JohnsonK@LitchfieldCavo.com

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ATTORNEYS AT LAW

6 Kimball Lane | Suite 200 | Lynnfield, MA 01940-2681

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NRA Ritrovato Ltr 6.16.2023.pdf

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LITCHFIELD
CAVO LLP
ATTORNEYS AT LAW

WRITER'S ADDRESS:
6 Kimball Lane | Suite 200
Lynnfield, MA 01940-2682
D 781-309-1521
F 781-246-0167

Nora R. Adukonis
Email: Adukonis@LitchfieldCavo.com

June 16, 2023

VIA ELECTRONIC MAIL (nicholas_ritrovato@yahoo.com)
AND CERTIFIED MAIL – RETURN RECEIPT
CMRR#: 7013 2630 0000 0415 8488

Nicholas Ritrovato
9 Welsey Park
Somerville, MA 02143

RE: Ritrovato, III v. UMassFive College FCU
Case No. 1:23-CV-10685-DJC
LC File No. 3599-1236

Dear Mr. Ritrovato:

I represent UMass Five College Federal Credit Union (“UMass Five FCU”) in connection with Case No. 1:23-CV-10685-DJC. As discussed in further detail below, it is UMass Five FCU’s position that:

- (1) UMass Five FCU has not been served in accordance with Fed. R. Civ. P. 4, no waiver of service has been requested under Fed. R. Civ. P. 4(d)(1), and service has not been waived, and accordingly, UMass Five FCU is not yet required to respond to the complaint, and no notice of appearance is required of its counsel;
- (2) UMass Five FCU has not been properly served with a document subpoena under Fed. R. Civ. P. 30, or 45, or document requests under Fed. R. Civ. P. 34, and accordingly, is not required to produce documents for inspection at this time;
- (3) UMass Five FCU declines to make an offer of settlement at this time.

UMass Five has not been served. Fed. R. Civ. P. 4(c) provides, in pertinent part, that “[a] summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” Service must be made by “[a]ny person who is at least 18 years old and not a party may serve a summons and complaint.” Fed R. Civ. P. 4(d) provides that formal service may be waived, if waiver forms are provided and an appropriate time given to respond subsequent to waiver.

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Nicholas Ritrovato
June 16, 2023
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UMass Five FCU has received from you in connection with this matter, by regular US Mail, a copy of your complaint. It was sent with a letter demanding settlement. It was sent without a summons. It was sent without a request to waive service. Accordingly, UMass Five FCU has not been properly joined and/or served in this lawsuit, and does not waive service.

UMass Five is not required to respond to a defective subpoena. UMass Five FCU also received, by regular mail, an unsigned copy of a subpoena form. The subpoena is not signed by the clerk of court, and it has not been notarized. It provided less than thirty days for response, although directed at a party. Furthermore, it seeks discovery prior to the time permitted by Fed. R. Civ. P. 26(d)(1), without justification or certification as contemplated by Fed. R. Civ. P. 30(a).

Finally, UMass Five FCU has reviewed your Complaint, and the demand letter appended. UMass Five FCU declines to make an offer of settlement at this time. **UMass Five FCU respectfully requests that any communication concerning this matter be directed to me.** Any written correspondence – except for service as required by Fed. R. Civ. P. 4 – may be sent to the mailing and email address on this letter.

Your prompt attention to this matter is greatly appreciated.

Warmest regards,

A handwritten signature in black ink, appearing to read "N. Adukonis".

Nora R. Adukonis

NRA/kmj